Department of **Environment and Resource Management**

Code for self-assessable development for taking overland flow water using limited capacity works

WAM/2007/3029 – Version 7

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Queensland Government

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Version history

Version	Date	Comment
1.0	10/04/2007	Current
2.0	24/06/2008	Code for self-assessable development for taking Gulf and code water using small scale storages converted to Code for self-assessable development for taking overland flow water using flow limited capacity works. References to 'small scale storages' overland replaced with 'limited capacity works' as the Burdekin, water resource plans (WRPs) (and other WRPs) allow for up to 250ml capacity of works. Mitchell Removal of reference to specific WRPs to make the generally apply to the relevant plant areas across the state.
2.1	10/07/2008	Replace Code for self-assessable development for taking flow water using small scale storages with to Code for self-assessable development for taking overland flow water using overland limited capacity works.
3.0	05/08/2010	Make changes associated with the Temporary State Planning Policy 1/10 Protecting Wetlands of High Ecological Significance in Great Barrier Reef, change from the Integrated Planning Act 1997 to the Sustainable Planning Act 2009, change departmental name from Departmental Natural Resources and Water to Qld Department Environment and Resource Management, ensure consistency with other codes.
4.0	26/07/2011	Amendments include: some references to wild rivers declaration removed, minor update to Executive summary, ensure that legislative references are correct and reinstate reference to water resource plans that have limited capacity and the maximum volumetric capacity that applies to each area.
5.0	09/11/2011	Addition of the maximum volumetric capacity for the Cooper Creek water resource plan area.
6.0	15/11/2011	Ensure that the water resource plans are detailed in full in section titled ‘Limitation on storage volume’ and other minor amendments.
7.0	08/12/2011	Amended to include limited capacity for Fitzroy Basin

Executive Summary

Under schedule 3, part 2 of the Sustainable Planning Regulation 2009 (SP Regulation) works that allow the taking of overland flow water using limited capacity works are self-assessable if the operations are mentioned as self-assessable development in a water resource plan, a wild rivers declaration or prescribed as self-assessable development under the Water Regulation 2002 (Water Regulation) under the *Water Act 2000* (Water Act).

This code applies to the construction of operational works that take overland flow water using limited capacity works and mentioned in water resource plan areas or prescribed as self-assessable development under the Water Regulation that have been made self-assessable development.

Works that are self-assessable development do not require a development permit.

Water taken by works constructed under this code will only be authorised where the constructed works comply with requirements stated in the water resource plan or the Water Regulation and this code. Such requirements include:

- volumetric capacity restrictions
- independence of storages
- prohibiting take of overland flow water for specified purposes
- notification of works
- performance requirements about the works.

Note: Works constructed under this code may require other approvals. Refer to section titled ‘Responsibilities’.

Purpose

The purpose of this code is to ensure that works for taking overland flow water that have a limited capacity, will be:

- consistent with the requirements of the applicable water resource plan or the Water Regulation
- limited to a specified volumetric capacity
- constructed independently to other works as per conditions stated in this code
- constructed to, as far as practicable, minimise the impact of the works on overland flow with regard to neighbouring properties, the environment and downstream users of overland flow water
- consistent with the landholder's authority to take overland flow water.

Scope of code

This code applies only in the areas and to the extent that a water resource plan or the Water Regulation has mentioned operational works with limited capacity for taking overland flow water to be self-assessable development under the SP Regulation 2009.

Operational works that take overland flow water include:

a. storages, sumps, drains, embankments, channels, pipes and pumps for taking, or that can be used for taking, overland flow water
b. storages that are connected to the works mentioned in paragraph (a)
c. works that make, or that can be used to make, the original connection between the storages mentioned in paragraph (b) and the works mentioned in paragraph (a).

These works must not exceed the volumetric capacity, be independent of other storages, and not be used for any purpose prohibited in the water resource plan or the Water Regulation.

This code does not apply to:

- overland flow works where the storage associated with the works is of a greater volume than the maximum volume specified in the relevant water resource plan, or the Water Regulation
- overland flow works that are connected by a water transfer device
- overland flow works constructed for purposes prohibited in the water resource plan or the Water Regulation
- works that interfere with water in a watercourse, lake or spring
- operational works that take overland flow water for stock or domestic purposes that have been made self-assessable development.

Procedure

Mandatory requirements

Self assessable development constructed under this code must comply with this code. It is an offence under section 574 of the *Sustainable Planning Act 2009* for a person to construct works that do not comply with this self assessable code (maximum penalty – 165 penalty units).

Notification of works

The owner of land on which the works are constructed must notify the local office of the department of the location and capacity of the works within 60 business days of completing the works.

Notification must consist of a completed copy of the form in Attachment 1 of this code.

Limitation on storage volume

Works constructed under this code must not exceed the limited capacity works nominated in a water resource plan. The relevant water resource plans and limited capacities are provided.

Water Resource (Baffle Creek Basin) Plan 2010	20 megalitres
Water Resource (Burdekin Basin) Plan 2007	250 megalitres
Water Resource (Calliope River Basin) Plan 2006	5 megalitres
Water Resource (Cooper Creek) Plan 2011	10 megalitres
Water Resource (Fitzroy Basin) Plan 2011: downstream of the Fitzroy Barrage subcatchment area (see Attachment 2)	5 megalitres
Water Resource (Fitzroy Basin) Plan 2011: remainder of Fitzroy Basin	50 megalitres
Water Resource (Gulf) Plan 2007	250 megalitres
Water Resource (Mitchell) Plan 2007	250 megalitres
Water Resource (Moreton) Plan 2007	5 megalitres
Water Resource (Whitsunday) Plan 2010	20 megalitres

Independence of storage

All storages must be independent of other storages. Storage works must not be connected, physically or by any device able to transfer water, to any other works used or able to be used for storing water. For example, works must not share common walls and must not be connected by means of a pump, pipe, channel, etc.

Purposes excluded

Storages must not be used for purposes prohibited by a water resource plan or the Water Regulation.

Performance requirements

The table below specifies the performance requirements that must also be satisfied. The performance requirements of the code will be satisfied if one or more of the acceptable solutions are adopted.

Performance requirements	Acceptable solutions
All water resource plan (WRP) areas subject to this code	
Physical impacts of overland flow works on neighbouring properties are to be minimised.	The overland flow works are contained within the property boundaries.At full supply level the area inundated is contained within the property boundaries.Any bywash resulting from the overland flow works, and any water diverted away from contaminated areas, exits the property as close as practicable to the same location at which it exited the property prior to commencement of the works.
B) The natural ecosystem and water quality of a wetland of ecological significance is to be maintained	Works are not to be located within a distance of 200m of wetlands of ecological significance* outside an urban area and 50 metres in an urban area. *See section titled 'Definitions'
Works minimise the disturbance of acid sulphate soils	Refer to the State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulphate Soils
In the Fitzroy Basin Water Resource Plan area in the Downstream of the Fitzroy Basin subcatchment area	
Overland flow works do not impede fish movement	Works are not located in areas subject to tidal influence

Responsibilities

A person constructing works that take overland flow water must also ensure they comply with any other relevant state and federal laws including, but not limited to:

- *Vegetation Management Act 1999*—this Act places limitations on the clearing of native vegetation. A landholder must ensure they have any necessary permits prior to clearing a site for the construction of a new storage
- *Environmental Protection Act 1994*—this Act places obligations on landholders in respect of ensuring that their actions do not result in harm to the environment
- *Aboriginal Cultural Heritage Act 2003*—this Act places an obligation on people to take all reasonable and practicable measures to ensure an activity they are undertaking does not harm aboriginal cultural heritage
- *Wild Rivers Act 2005*—this Act places an obligation on landholders to take into consideration the impact of activities and the taking of natural resources on the natural values of a wild river
- other provisions of the Water Act
- State Planning Policy 4/11 on Protecting Wetlands of High Ecological Significance in the Great Barrier Reef Catchments <http://www.derm.qld.gov.au/wildlife-ecosystems/ecosystems/wetlands-spp.html> provides direction on how planning instruments and development assessment protect the environmental values of those wetlands
- where activities may disturb acid sulfate soils, refer to the Department of Local Government and Planning and the Department of Natural Resources and Mines, 2002, State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils <http://www.derm.qld.gov.au/land/ass/products.html> , Brisbane and follow management principles in accordance with the Department of Natural Resources and Mines, 2002, Soil Management guidelines in the Queensland Acid Sulfate Soil Technical Manual <http://www.derm.qld.gov.au/land/ass/products.html> , Brisbane
- local government planning schemes.

Definitions

This part defines particular words used in this code.

Bywash means water that is diverted from a dam or reservoir and is usually associated with a pipe or other structure to prevent uncontrolled overtopping.

Department means the agency administering the *Water Act 2000*.

Limited capacity means the volumetric limit specified in a water resource plan or the Water Regulation.

Overland flow water

1. Overland flow water means water, including floodwater, flowing over land otherwise than in a watercourse or lake:
   a. after having fallen as rain or in any other way or
   b. after rising to the surface naturally from underground.

2. Overland flow water does not include:
   a. water that has naturally infiltrated the soil in normal farming operations, including infiltration that has occurred in farming activity such as clearing, replanting and broad-acre ploughing or
   b. tailwater from irrigation if the tailwater recycling meets best practice requirements or
   c. water collected from roofs for rainwater tanks.

Property means one or more contiguous parcels of land, operated as a single enterprise.

A **Regulation** provides for a range of matters required by an act of legislation which allows for the proper functioning of the Act.

Watercourse

A watercourse is a river, creek or other stream, including a stream in the form of an anabranch or a tributary, in which water flows permanently or intermittently, regardless of the frequency of flow events, in a natural channel, whether artificially modified or not; or in an artificial channel that has changed the course of the stream. It includes any in-stream islands, benches and bars located in it.

Further, a watercourse is anywhere in a river, creek or other stream that is:

i. upstream of the downstream limit of the watercourse
ii. if there is an upstream limit of the watercourse, downstream of the upstream limit
iii. between the outer bank on one side of the watercourse and the outer bank on the other side of the watercourse.

A watercourse does not include a drainage feature but does include in-stream islands, benches or bars. *

Note: Generally, the non-tidal boundary (watercourse) of land bounded by a watercourse, as provided for under the *Survey and Mapping Infrastructure Act 2003*, would not correspond precisely with the line of the outer bank of a watercourse under this Act.

* Summary definition developed for the purpose of this code with actual definition provided by section 5 of the *Water Act 2000*.

Water resource plan means the water resource plan for the area to which the application relates and is subordinate legislation under the *Water Act 2000*.

Wetlands of ecological significance includes natural freshwater wetlands that have been identified on the

‘Map of Referable Wetlands’, a document approved by the chief executive administering the *Environmental Protection Act 1994*. The following wetlands information is available:

- A property scale Map of referable wetlands <http://www.derm.qld.gov.au/wildlife-ecosystems/ecosystems/referable-wetlands-maps.html> can be requested on-line from Environmental Mapping and Databases <http://www.derm.qld.gov.au/wildlife-ecosystems/ecosystems/referable-wetlands-maps.html> .
- The State Planning Policy 4/11 on Protecting Wetlands of High Ecological Significance in the Great Barrier Reef Catchments <http://www.derm.qld.gov.au/wildlife-ecosystems/ecosystems/wetlands-spp.html> is available from the department’s website <http://www.derm.qld.gov.au/wildlife-ecosystems/ecosystems/wetlands-spp.html> .
- Other information on wetlands including wetland values is available from WetLandInfo <http://www.epa.qld.gov.au/wetlandinfo/site/index.html> .

Wild rivers declaration is a statutory document under the *Wild Rivers Act 2005*, which aims to provide a high level of protection from new development activities that have the potential to degrade the wild river’s natural values.

Legislation

Water Act 2000

Water Regulation 2002

Sustainable Planning Act 2009

Sustainable Planning Regulation 2009

Attachments

Attachment 1 W2F082 Notification form self-assessable works to take overland flow water <attachments/w2f082-sa-works-olf.pdf>

Attachment 2 Fitzroy resource operations plan - catchment area downstream of the Fitzroy Barrage <attachments/code-3029-att-2.pdf>